



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6149

Introduced 2/11/2010, by Rep. Marlow H. Colvin

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.756 new
705 ILCS 105/27.6

Creates the Tobacco Sales At Health Care Institutions Prohibition Act. Provides that a health care institution shall not sell or cause to be sold tobacco products. Provides that a retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall not sell or cause to be sold tobacco products. Provides that a person who violates the Act is guilty of a petty offense and shall be fined \$200 for a first offense, \$700 for a second offense occurring within 24 months of the first offense, and \$1,000 for 3 or more violations occurring within 24 months of the second or subsequent violation. Provides that each calendar day an entity operates in violation of any provision of the Act shall be deemed a separate violation. Provides that nothing in the Act shall be interpreted as prohibiting the Illinois Department of Public Health or other agency from suspending or revoking any license or permit issued by and within the jurisdiction of such department or agency for repeated violations of the Act. Provides that any fines or fees collected under the Act shall be used for the enforcement of the Act and for educational programs on the harmful effects of tobacco. Amends the State Finance Act. Creates the Tobacco Products Education Fund in the State treasury. Amends the Clerks of Courts Act to make conforming changes. Effective January 1, 2011.

LRB096 18770 RLC 34155 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Tobacco Sales At Health Care Institutions Prohibition Act.

6 Section 5. Findings.

7 (a) Tobacco is one of the leading causes of death in the
8 United States and lung cancer, which has a correlation to
9 smoking, has been the leading cause of cancer death among
10 Illinois residents.

11 (b) Tobacco is currently sold in health care institutions
12 such as pharmacies and drug stores.

13 (c) The sale of tobacco products is incompatible with the
14 mission of health care institutions because it is detrimental
15 to the public health and undermines efforts to educate patients
16 on the safe and effective use of medication.

17 (d) In recognition of the harmful effects of tobacco use
18 and that selling them in establishments dispensing medicine and
19 health advice is contradictory to consumers, it is important
20 that the sale of tobacco products be prohibited by health care
21 institutions in Illinois.

22 Section 10. Definitions. In this Act:

1 "Health care institution" means an individual,
2 partnership, association, corporation, or trust or any person
3 or group of persons that provides health care services and
4 employs health care providers licensed, or subject to
5 licensing, by the State of Illinois. "Health care institution"
6 includes hospitals, clinics, health centers, pharmacies, drug
7 stores and doctors' and dentists' offices.

8 "Retail establishment" means any store that sells goods or
9 articles of personal services to the public.

10 "Tobacco product" means any substance containing tobacco
11 leaf, and any product or formulation of matter containing
12 biologically active amounts of nicotine that is manufactured,
13 sold, offered for sale, or otherwise distributed with the
14 expectation that the product or matter will be introduced into
15 the human body, but does not include any cessation product
16 specifically approved by the United States Food and Drug
17 Administration for use in treating nicotine or tobacco
18 dependence.

19 Section 15. Sale of tobacco products by health care
20 institutions prohibited.

21 (a) A health care institution shall not sell or cause to be
22 sold tobacco products.

23 (b) A retail establishment that operates or has a health
24 care institution within it, such as a pharmacy or drug store,
25 shall not sell or cause to be sold tobacco products.

1 Section 20. Sentence.

2 (a) A person who violates this Act is guilty of a petty
3 offense and shall be fined \$200 for a first offense, \$700 for a
4 second offense occurring within 24 months of the first offense,
5 and \$1,000 for a third or subsequent offense occurring within
6 24 months of the second or subsequent offense.

7 (b) Each calendar day an entity operates in violation of
8 any provision of this Act shall be deemed a separate violation.

9 (c) Nothing in this Act shall be interpreted as prohibiting
10 the Illinois Department of Public Health or another agency from
11 suspending, or revoking any license or permit issued by and
12 within the jurisdiction of that department or agency for
13 repeated violations of this Act.

14 (d) Any fines or fees collected under this Act shall be
15 deposited in the Tobacco Products Education Fund, which is
16 created in the State treasury. Moneys in the Fund shall, upon
17 order of the Director of Public Health, be used by the
18 Department of Public Health for the enforcement of this Act and
19 for educational programs on the harmful effects of tobacco.

20 Section 50. The State Finance Act is amended by adding
21 Section 5.756 as follows:

22 (30 ILCS 105/5.756 new)

23 Sec. 5.756. The Tobacco Products Education Fund.

1 Section 55. The Clerks of Courts Act is amended by changing
2 Section 27.6 as follows:

3 (705 ILCS 105/27.6)

4 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
5 and 96-667)

6 Sec. 27.6. (a) All fees, fines, costs, additional
7 penalties, bail balances assessed or forfeited, and any other
8 amount paid by a person to the circuit clerk equalling an
9 amount of \$55 or more, except the fine imposed by Section
10 5-9-1.15 of the Unified Code of Corrections, the additional fee
11 required by subsections (b) and (c), restitution under Section
12 5-5-6 of the Unified Code of Corrections, contributions to a
13 local anti-crime program ordered pursuant to Section
14 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
15 Corrections, reimbursement for the costs of an emergency
16 response as provided under Section 11-501 of the Illinois
17 Vehicle Code, any fees collected for attending a traffic safety
18 program under paragraph (c) of Supreme Court Rule 529, any fee
19 collected on behalf of a State's Attorney under Section 4-2002
20 of the Counties Code or a sheriff under Section 4-5001 of the
21 Counties Code, or any cost imposed under Section 124A-5 of the
22 Code of Criminal Procedure of 1963, for convictions, orders of
23 supervision, or any other disposition for a violation of
24 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a

1 similar provision of a local ordinance, and any violation of
2 the Child Passenger Protection Act, or a similar provision of a
3 local ordinance, and except as otherwise provided in the
4 Tobacco Sales At Health Care Institutions Prohibition Act, and
5 except as otherwise provided in this Section ~~subsections (d)~~
6 ~~and (g)~~ shall be disbursed within 60 days after receipt by the
7 circuit clerk as follows: 44.5% shall be disbursed to the
8 entity authorized by law to receive the fine imposed in the
9 case; 16.825% shall be disbursed to the State Treasurer; and
10 38.675% shall be disbursed to the county's general corporate
11 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
12 shall be deposited by the State Treasurer into the Violent
13 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
14 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
15 be deposited into the Drivers Education Fund, and 6.948/17
16 shall be deposited into the Trauma Center Fund. Of the 6.948/17
17 deposited into the Trauma Center Fund from the 16.825%
18 disbursed to the State Treasurer, 50% shall be disbursed to the
19 Department of Public Health and 50% shall be disbursed to the
20 Department of Healthcare and Family Services. For fiscal year
21 1993, amounts deposited into the Violent Crime Victims
22 Assistance Fund, the Traffic and Criminal Conviction Surcharge
23 Fund, or the Drivers Education Fund shall not exceed 110% of
24 the amounts deposited into those funds in fiscal year 1991. Any
25 amount that exceeds the 110% limit shall be distributed as
26 follows: 50% shall be disbursed to the county's general

1 corporate fund and 50% shall be disbursed to the entity
2 authorized by law to receive the fine imposed in the case. Not
3 later than March 1 of each year the circuit clerk shall submit
4 a report of the amount of funds remitted to the State Treasurer
5 under this Section during the preceding year based upon
6 independent verification of fines and fees. All counties shall
7 be subject to this Section, except that counties with a
8 population under 2,000,000 may, by ordinance, elect not to be
9 subject to this Section. For offenses subject to this Section,
10 judges shall impose one total sum of money payable for
11 violations. The circuit clerk may add on no additional amounts
12 except for amounts that are required by Sections 27.3a and
13 27.3c of this Act, unless those amounts are specifically waived
14 by the judge. With respect to money collected by the circuit
15 clerk as a result of forfeiture of bail, ex parte judgment or
16 guilty plea pursuant to Supreme Court Rule 529, the circuit
17 clerk shall first deduct and pay amounts required by Sections
18 27.3a and 27.3c of this Act. This Section is a denial and
19 limitation of home rule powers and functions under subsection
20 (h) of Section 6 of Article VII of the Illinois Constitution.

21 (b) In addition to any other fines and court costs assessed
22 by the courts, any person convicted or receiving an order of
23 supervision for driving under the influence of alcohol or drugs
24 shall pay an additional fee of \$100 to the clerk of the circuit
25 court. This amount, less 2 1/2% that shall be used to defray
26 administrative costs incurred by the clerk, shall be remitted

1 by the clerk to the Treasurer within 60 days after receipt for
2 deposit into the Trauma Center Fund. This additional fee of
3 \$100 shall not be considered a part of the fine for purposes of
4 any reduction in the fine for time served either before or
5 after sentencing. Not later than March 1 of each year the
6 Circuit Clerk shall submit a report of the amount of funds
7 remitted to the State Treasurer under this subsection during
8 the preceding calendar year.

9 (b-1) In addition to any other fines and court costs
10 assessed by the courts, any person convicted or receiving an
11 order of supervision for driving under the influence of alcohol
12 or drugs shall pay an additional fee of \$5 to the clerk of the
13 circuit court. This amount, less 2 1/2% that shall be used to
14 defray administrative costs incurred by the clerk, shall be
15 remitted by the clerk to the Treasurer within 60 days after
16 receipt for deposit into the Spinal Cord Injury Paralysis Cure
17 Research Trust Fund. This additional fee of \$5 shall not be
18 considered a part of the fine for purposes of any reduction in
19 the fine for time served either before or after sentencing. Not
20 later than March 1 of each year the Circuit Clerk shall submit
21 a report of the amount of funds remitted to the State Treasurer
22 under this subsection during the preceding calendar year.

23 (c) In addition to any other fines and court costs assessed
24 by the courts, any person convicted for a violation of Sections
25 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
26 person sentenced for a violation of the Cannabis Control Act,

1 the Illinois Controlled Substances Act, or the Methamphetamine
2 Control and Community Protection Act shall pay an additional
3 fee of \$100 to the clerk of the circuit court. This amount,
4 less 2 1/2% that shall be used to defray administrative costs
5 incurred by the clerk, shall be remitted by the clerk to the
6 Treasurer within 60 days after receipt for deposit into the
7 Trauma Center Fund. This additional fee of \$100 shall not be
8 considered a part of the fine for purposes of any reduction in
9 the fine for time served either before or after sentencing. Not
10 later than March 1 of each year the Circuit Clerk shall submit
11 a report of the amount of funds remitted to the State Treasurer
12 under this subsection during the preceding calendar year.

13 (c-1) In addition to any other fines and court costs
14 assessed by the courts, any person sentenced for a violation of
15 the Cannabis Control Act, the Illinois Controlled Substances
16 Act, or the Methamphetamine Control and Community Protection
17 Act shall pay an additional fee of \$5 to the clerk of the
18 circuit court. This amount, less 2 1/2% that shall be used to
19 defray administrative costs incurred by the clerk, shall be
20 remitted by the clerk to the Treasurer within 60 days after
21 receipt for deposit into the Spinal Cord Injury Paralysis Cure
22 Research Trust Fund. This additional fee of \$5 shall not be
23 considered a part of the fine for purposes of any reduction in
24 the fine for time served either before or after sentencing. Not
25 later than March 1 of each year the Circuit Clerk shall submit
26 a report of the amount of funds remitted to the State Treasurer

1 under this subsection during the preceding calendar year.

2 (d) The following amounts must be remitted to the State
3 Treasurer for deposit into the Illinois Animal Abuse Fund:

4 (1) 50% of the amounts collected for felony offenses
5 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
6 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
7 Animals Act and Section 26-5 of the Criminal Code of 1961;

8 (2) 20% of the amounts collected for Class A and Class
9 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
10 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
11 for Animals Act and Section 26-5 of the Criminal Code of
12 1961; and

13 (3) 50% of the amounts collected for Class C
14 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
15 for Animals Act and Section 26-5 of the Criminal Code of
16 1961.

17 (e) Any person who receives a disposition of court
18 supervision for a violation of the Illinois Vehicle Code or a
19 similar provision of a local ordinance shall, in addition to
20 any other fines, fees, and court costs, pay an additional fee
21 of \$29, to be disbursed as provided in Section 16-104c of the
22 Illinois Vehicle Code. In addition to the fee of \$29, the
23 person shall also pay a fee of \$6, if not waived by the court.
24 If this \$6 fee is collected, \$5.50 of the fee shall be
25 deposited into the Circuit Court Clerk Operation and
26 Administrative Fund created by the Clerk of the Circuit Court

1 and 50 cents of the fee shall be deposited into the Prisoner
2 Review Board Vehicle and Equipment Fund in the State treasury.

3 (f) This Section does not apply to the additional child
4 pornography fines assessed and collected under Section
5 5-9-1.14 of the Unified Code of Corrections.

6 (g) (Blank).

7 (h) (Blank).

8 (i) ~~(g)~~ Of the amounts collected as fines under subsection
9 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be
10 deposited into the Illinois Military Family Relief Fund and 1%
11 shall be deposited into the Circuit Court Clerk Operation and
12 Administrative Fund created by the Clerk of the Circuit Court
13 to be used to offset the costs incurred by the Circuit Court
14 Clerk in performing the additional duties required to collect
15 and disburse funds to entities of State and local government as
16 provided by law.

17 (j) ~~(h)~~ Any person convicted of, pleading guilty to, or
18 placed on supervision for a serious traffic violation, as
19 defined in Section 1-187.001 of the Illinois Vehicle Code, a
20 violation of Section 11-501 of the Illinois Vehicle Code, or a
21 violation of a similar provision of a local ordinance shall pay
22 an additional fee of \$20, to be disbursed as provided in
23 Section 16-104d of that Code.

24 This subsection (h) becomes inoperative 7 years after the
25 effective date of Public Act 95-154.

26 (k) ~~(h)~~ For any conviction or disposition of court

1 supervision for a violation of Section 11-1429 of the Illinois
2 Vehicle Code, the circuit clerk shall distribute the fines paid
3 by the person as specified by subsection (h) of Section 11-1429
4 of the Illinois Vehicle Code.

5 (1) ~~(h)~~ Any person who receives a disposition of court
6 supervision for a violation of Section 11-501 of the Illinois
7 Vehicle Code or a similar provision of a local ordinance shall,
8 in addition to any other fines, fees, and court costs, pay an
9 additional fee of \$50, which shall be collected by the circuit
10 clerk and then remitted to the State Treasurer for deposit into
11 the Roadside Memorial Fund, a special fund in the State
12 treasury. However, the court may waive the fee if full
13 restitution is complied with. Subject to appropriation, all
14 moneys in the Roadside Memorial Fund shall be used by the
15 Department of Transportation to pay fees imposed under
16 subsection (f) of Section 20 of the Roadside Memorial Act. The
17 fee shall be remitted by the circuit clerk within one month
18 after receipt to the State Treasurer for deposit into the
19 Roadside Memorial Fund.

20 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,
21 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;
22 96-286, eff. 8-11-09; 96-576, eff. 8-18-09; 96-578, eff.
23 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; revised
24 12-29-09.)

25 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,

1 and 96-735)

2 Sec. 27.6. (a) All fees, fines, costs, additional
3 penalties, bail balances assessed or forfeited, and any other
4 amount paid by a person to the circuit clerk equalling an
5 amount of \$55 or more, except the fine imposed by Section
6 5-9-1.15 of the Unified Code of Corrections, the additional fee
7 required by subsections (b) and (c), restitution under Section
8 5-5-6 of the Unified Code of Corrections, contributions to a
9 local anti-crime program ordered pursuant to Section
10 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
11 Corrections, reimbursement for the costs of an emergency
12 response as provided under Section 11-501 of the Illinois
13 Vehicle Code, any fees collected for attending a traffic safety
14 program under paragraph (c) of Supreme Court Rule 529, any fee
15 collected on behalf of a State's Attorney under Section 4-2002
16 of the Counties Code or a sheriff under Section 4-5001 of the
17 Counties Code, or any cost imposed under Section 124A-5 of the
18 Code of Criminal Procedure of 1963, for convictions, orders of
19 supervision, or any other disposition for a violation of
20 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
21 similar provision of a local ordinance, and any violation of
22 the Child Passenger Protection Act, or a similar provision of a
23 local ordinance, and except as otherwise provided in the
24 Tobacco Sales At Health Care Institutions Prohibition Act, and
25 except as otherwise provided in this Section ~~subsections (b)~~
26 ~~through (h)~~ shall be disbursed within 60 days after receipt by

1 the circuit clerk as follows: 44.5% shall be disbursed to the
2 entity authorized by law to receive the fine imposed in the
3 case; 16.825% shall be disbursed to the State Treasurer; and
4 38.675% shall be disbursed to the county's general corporate
5 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
6 shall be deposited by the State Treasurer into the Violent
7 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
8 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
9 be deposited into the Drivers Education Fund, and 6.948/17
10 shall be deposited into the Trauma Center Fund. Of the 6.948/17
11 deposited into the Trauma Center Fund from the 16.825%
12 disbursed to the State Treasurer, 50% shall be disbursed to the
13 Department of Public Health and 50% shall be disbursed to the
14 Department of Healthcare and Family Services. For fiscal year
15 1993, amounts deposited into the Violent Crime Victims
16 Assistance Fund, the Traffic and Criminal Conviction Surcharge
17 Fund, or the Drivers Education Fund shall not exceed 110% of
18 the amounts deposited into those funds in fiscal year 1991. Any
19 amount that exceeds the 110% limit shall be distributed as
20 follows: 50% shall be disbursed to the county's general
21 corporate fund and 50% shall be disbursed to the entity
22 authorized by law to receive the fine imposed in the case. Not
23 later than March 1 of each year the circuit clerk shall submit
24 a report of the amount of funds remitted to the State Treasurer
25 under this Section during the preceding year based upon
26 independent verification of fines and fees. All counties shall

1 be subject to this Section, except that counties with a
2 population under 2,000,000 may, by ordinance, elect not to be
3 subject to this Section. For offenses subject to this Section,
4 judges shall impose one total sum of money payable for
5 violations. The circuit clerk may add on no additional amounts
6 except for amounts that are required by Sections 27.3a and
7 27.3c of this Act, Section 16-104c of the Illinois Vehicle
8 Code, and subsection (a) of Section 5-1101 of the Counties
9 Code, unless those amounts are specifically waived by the
10 judge. With respect to money collected by the circuit clerk as
11 a result of forfeiture of bail, ex parte judgment or guilty
12 plea pursuant to Supreme Court Rule 529, the circuit clerk
13 shall first deduct and pay amounts required by Sections 27.3a
14 and 27.3c of this Act. Unless a court ordered payment schedule
15 is implemented or fee requirements are waived pursuant to court
16 order, the clerk of the court may add to any unpaid fees and
17 costs a delinquency amount equal to 5% of the unpaid fees that
18 remain unpaid after 30 days, 10% of the unpaid fees that remain
19 unpaid after 60 days, and 15% of the unpaid fees that remain
20 unpaid after 90 days. Notice to those parties may be made by
21 signage posting or publication. The additional delinquency
22 amounts collected under this Section shall be deposited in the
23 Circuit Court Clerk Operation and Administrative Fund to be
24 used to defray administrative costs incurred by the circuit
25 clerk in performing the duties required to collect and disburse
26 funds. This Section is a denial and limitation of home rule

1 powers and functions under subsection (h) of Section 6 of
2 Article VII of the Illinois Constitution.

3 (b) In addition to any other fines and court costs assessed
4 by the courts, any person convicted or receiving an order of
5 supervision for driving under the influence of alcohol or drugs
6 shall pay an additional fee of \$100 to the clerk of the circuit
7 court. This amount, less 2 1/2% that shall be used to defray
8 administrative costs incurred by the clerk, shall be remitted
9 by the clerk to the Treasurer within 60 days after receipt for
10 deposit into the Trauma Center Fund. This additional fee of
11 \$100 shall not be considered a part of the fine for purposes of
12 any reduction in the fine for time served either before or
13 after sentencing. Not later than March 1 of each year the
14 Circuit Clerk shall submit a report of the amount of funds
15 remitted to the State Treasurer under this subsection during
16 the preceding calendar year.

17 (b-1) In addition to any other fines and court costs
18 assessed by the courts, any person convicted or receiving an
19 order of supervision for driving under the influence of alcohol
20 or drugs shall pay an additional fee of \$5 to the clerk of the
21 circuit court. This amount, less 2 1/2% that shall be used to
22 defray administrative costs incurred by the clerk, shall be
23 remitted by the clerk to the Treasurer within 60 days after
24 receipt for deposit into the Spinal Cord Injury Paralysis Cure
25 Research Trust Fund. This additional fee of \$5 shall not be
26 considered a part of the fine for purposes of any reduction in

1 the fine for time served either before or after sentencing. Not
2 later than March 1 of each year the Circuit Clerk shall submit
3 a report of the amount of funds remitted to the State Treasurer
4 under this subsection during the preceding calendar year.

5 (c) In addition to any other fines and court costs assessed
6 by the courts, any person convicted for a violation of Sections
7 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
8 person sentenced for a violation of the Cannabis Control Act,
9 the Illinois Controlled Substances Act, or the Methamphetamine
10 Control and Community Protection Act shall pay an additional
11 fee of \$100 to the clerk of the circuit court. This amount,
12 less 2 1/2% that shall be used to defray administrative costs
13 incurred by the clerk, shall be remitted by the clerk to the
14 Treasurer within 60 days after receipt for deposit into the
15 Trauma Center Fund. This additional fee of \$100 shall not be
16 considered a part of the fine for purposes of any reduction in
17 the fine for time served either before or after sentencing. Not
18 later than March 1 of each year the Circuit Clerk shall submit
19 a report of the amount of funds remitted to the State Treasurer
20 under this subsection during the preceding calendar year.

21 (c-1) In addition to any other fines and court costs
22 assessed by the courts, any person sentenced for a violation of
23 the Cannabis Control Act, the Illinois Controlled Substances
24 Act, or the Methamphetamine Control and Community Protection
25 Act shall pay an additional fee of \$5 to the clerk of the
26 circuit court. This amount, less 2 1/2% that shall be used to

1 defray administrative costs incurred by the clerk, shall be
2 remitted by the clerk to the Treasurer within 60 days after
3 receipt for deposit into the Spinal Cord Injury Paralysis Cure
4 Research Trust Fund. This additional fee of \$5 shall not be
5 considered a part of the fine for purposes of any reduction in
6 the fine for time served either before or after sentencing. Not
7 later than March 1 of each year the Circuit Clerk shall submit
8 a report of the amount of funds remitted to the State Treasurer
9 under this subsection during the preceding calendar year.

10 (d) The following amounts must be remitted to the State
11 Treasurer for deposit into the Illinois Animal Abuse Fund:

12 (1) 50% of the amounts collected for felony offenses
13 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
14 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
15 Animals Act and Section 26-5 of the Criminal Code of 1961;

16 (2) 20% of the amounts collected for Class A and Class
17 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
18 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
19 for Animals Act and Section 26-5 of the Criminal Code of
20 1961; and

21 (3) 50% of the amounts collected for Class C
22 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
23 for Animals Act and Section 26-5 of the Criminal Code of
24 1961.

25 (e) Any person who receives a disposition of court
26 supervision for a violation of the Illinois Vehicle Code or a

1 similar provision of a local ordinance shall, in addition to
2 any other fines, fees, and court costs, pay an additional fee
3 of \$29, to be disbursed as provided in Section 16-104c of the
4 Illinois Vehicle Code. In addition to the fee of \$29, the
5 person shall also pay a fee of \$6, if not waived by the court.
6 If this \$6 fee is collected, \$5.50 of the fee shall be
7 deposited into the Circuit Court Clerk Operation and
8 Administrative Fund created by the Clerk of the Circuit Court
9 and 50 cents of the fee shall be deposited into the Prisoner
10 Review Board Vehicle and Equipment Fund in the State treasury.

11 (f) This Section does not apply to the additional child
12 pornography fines assessed and collected under Section
13 5-9-1.14 of the Unified Code of Corrections.

14 (g) Any person convicted of or pleading guilty to a serious
15 traffic violation, as defined in Section 1-187.001 of the
16 Illinois Vehicle Code, shall pay an additional fee of \$20, to
17 be disbursed as provided in Section 16-104d of that Code. This
18 subsection (g) becomes inoperative 7 years after the effective
19 date of Public Act 95-154.

20 (h) In all counties having a population of 3,000,000 or
21 more inhabitants,

22 (1) ~~(h-1)~~ A person who is found guilty of or pleads
23 guilty to violating subsection (a) of Section 11-501 of the
24 Illinois Vehicle Code, including any person placed on court
25 supervision for violating subsection (a), shall be fined
26 \$500 as provided for by subsection (f) of Section 11-501.01

1 of the Illinois Vehicle Code, payable to the circuit clerk,
2 who shall distribute the money pursuant to subsection (f)
3 of Section 11-501.01 of the Illinois Vehicle Code.

4 (2) ~~(h-2)~~ When a crime laboratory DUI analysis fee of
5 \$150, provided for by Section 5-9-1.9 of the Unified Code
6 of Corrections is assessed, it shall be disbursed by the
7 circuit clerk as provided by subsection (f) of Section
8 5-9-1.9 of the Unified Code of Corrections.

9 (3) ~~(h-3)~~ When a fine for a violation of Section
10 11-605.1 of the Illinois Vehicle Code is \$250 or greater,
11 the person who violated that Section shall be charged an
12 additional \$125 as provided for by subsection (e) of
13 Section 11-605.1 of the Illinois Vehicle Code, which shall
14 be disbursed by the circuit clerk to a State or county
15 Transportation Safety Highway Hire-back Fund as provided
16 by subsection (e) of Section 11-605.1 of the Illinois
17 Vehicle Code.

18 (4) ~~(h-4)~~ When a fine for a violation of subsection (a)
19 of Section 11-605 of the Illinois Vehicle Code is \$150 or
20 greater, the additional \$50 which is charged as provided
21 for by subsection (f) of Section 11-605 of the Illinois
22 Vehicle Code shall be disbursed by the circuit clerk to a
23 school district or districts for school safety purposes as
24 provided by subsection (f) of Section 11-605.

25 (5) ~~(h-4.5)~~ When a fine for a violation of subsection
26 (a) of Section 11-1002.5 of the Illinois Vehicle Code is

1 \$150 or greater, the additional \$50 which is charged as
2 provided for by subsection (c) of Section 11-1002.5 of the
3 Illinois Vehicle Code shall be disbursed by the circuit
4 clerk to a school district or districts for school safety
5 purposes as provided by subsection (c) of Section 11-1002.5
6 of the Illinois Vehicle Code.

7 (6) ~~(h-5)~~ When a mandatory drug court fee of up to \$5
8 is assessed as provided in subsection (f) of Section 5-1101
9 of the Counties Code, it shall be disbursed by the circuit
10 clerk as provided in subsection (f) of Section 5-1101 of
11 the Counties Code.

12 (7) ~~(h-6)~~ When a mandatory teen court, peer jury, youth
13 court, or other youth diversion program fee is assessed as
14 provided in subsection (e) of Section 5-1101 of the
15 Counties Code, it shall be disbursed by the circuit clerk
16 as provided in subsection (e) of Section 5-1101 of the
17 Counties Code.

18 (8) ~~(h-7)~~ When a Children's Advocacy Center fee is
19 assessed pursuant to subsection (f-5) of Section 5-1101 of
20 the Counties Code, it shall be disbursed by the circuit
21 clerk as provided in subsection (f-5) of Section 5-1101 of
22 the Counties Code.

23 (9) ~~(h-8)~~ When a victim impact panel fee is assessed
24 pursuant to subsection (b) of Section 11-501.01 of the
25 Vehicle Code, it shall be disbursed by the circuit clerk to
26 the victim impact panel to be attended by the defendant.

1 (10) ~~(h-9)~~ When a new fee collected in traffic cases is
2 enacted after the effective date of this subsection (h), it
3 shall be excluded from the percentage disbursement
4 provisions of this Section unless otherwise indicated by
5 law.

6 (i) ~~(g)~~ Of the amounts collected as fines under subsection
7 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be
8 deposited into the Illinois Military Family Relief Fund and 1%
9 shall be deposited into the Circuit Court Clerk Operation and
10 Administrative Fund created by the Clerk of the Circuit Court
11 to be used to offset the costs incurred by the Circuit Court
12 Clerk in performing the additional duties required to collect
13 and disburse funds to entities of State and local government as
14 provided by law.

15 (j) (Blank).

16 (k) ~~(h)~~ For any conviction or disposition of court
17 supervision for a violation of Section 11-1429 of the Illinois
18 Vehicle Code, the circuit clerk shall distribute the fines paid
19 by the person as specified by subsection (h) of Section 11-1429
20 of the Illinois Vehicle Code.

21 (l) ~~(h)~~ Any person who receives a disposition of court
22 supervision for a violation of Section 11-501 of the Illinois
23 Vehicle Code or a similar provision of a local ordinance shall,
24 in addition to any other fines, fees, and court costs, pay an
25 additional fee of \$50, which shall be collected by the circuit
26 clerk and then remitted to the State Treasurer for deposit into

1 the Roadside Memorial Fund, a special fund in the State
2 treasury. However, the court may waive the fee if full
3 restitution is complied with. Subject to appropriation, all
4 moneys in the Roadside Memorial Fund shall be used by the
5 Department of Transportation to pay fees imposed under
6 subsection (f) of Section 20 of the Roadside Memorial Act. The
7 fee shall be remitted by the circuit clerk within one month
8 after receipt to the State Treasurer for deposit into the
9 Roadside Memorial Fund.

10 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,
11 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;
12 96-576, eff. 8-18-09; 96-578, eff. 8-18-09; 96-625, eff.
13 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10; revised
14 12-29-09.)

15 Section 97. Severability. The provisions of this Act are
16 severable under Section 1.31 of the Statute on Statutes.

17 Section 99. Effective date. This Act takes effect January
18 1, 2011.